



# *COMMONWEALTH of VIRGINIA*

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### PIEDMONT REGIONAL OFFICE

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L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

Gerard Seeley, Jr.  
Regional Director

## **WASTE MANAGEMENT BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO THE COUNTY OF GREENSVILLE, VIRGINIA for the GREENSVILLE COUNTY LANDFILL (SWP 405)**

### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Waste Management Board and the County of Greenville, for the purpose of resolving certain alleged violations of the Virginia Waste Management Act and the Virginia Solid Waste Management Regulations.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the Virginia Waste Management Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1401 and 10.1-1184.
3. "County" means the County of Greenville, Virginia.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality.
6. "Landfill" means the Greenville County Landfill, operating under DEQ Solid Waste Permit ("SWP") Number 405.
7. "Order" means this document, also known as a Consent Order.

9. “PRO” means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
10. “VSWMR” means the Virginia Solid Waste Management Regulations 9 VAC 20-80-10 *et seq.*

### **SECTION C: Findings of Fact and Conclusions of Law**

1. The Greenville County Landfill (“landfill”) is located in Greenville County, Virginia. The landfill is a “sanitary landfill”, as that term is defined in 9 VAC 20-80-10 of the VSWMR.
2. The County of Greenville (“County”) holds DEQ Solid Waste Permit No. 405 for operation of the landfill.
3. On March 28, 2006, DEQ staff conducted an inspection of the landfill. The inspection and a subsequent records review revealed the following:
  - a. DEQ staff observed a red bag labeled as Regulated Medical Waste (“RMW”) in the active working face of the landfill. The site manager picked up the RMW without the use of personal protective equipment and placed the bag in the back of a truck without proper packaging. The facility accepted RMW and is not specifically authorized to do so by its permit. The facility did not provide a written report to DEQ within 10 days of the incident, as required by 9 VAC 20-80-250.C.1.e.
  - b. A large amount of windblown litter was observed along the tree line surrounding the landfill, within two sediment ponds, and in a wetland area east of the North Cell. According to 9 VAC 20-80-250.C.10, solid waste must not be permitted to enter any surface waters. No fencing or other mechanism to control blowing litter was in place, as required by 9 VAC 20-80-250.C.13.
4. Notice of Violation No. 2006-05-PRO-601 was issued for the above listed violations on May 8, 2006.
5. By letter dated May 12, 2006, the County advised DEQ that the violations described above were resolved. An inspection conducted by DEQ staff on June 2, 2006 confirmed that corrective action was complete. The County sent the RMW to a permitted medical waste recovery business and ordered mail-back containers to be used in future incidents. Training on the handling of RMW has been conducted for landfill employees. The County also hired a contractor to clean the windblown litter from the facility. This contractor will continue to clean the area biweekly.

#### **SECTION D: Agreement and Order**

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1455(F), orders the County, and the County voluntarily agrees, to pay a civil charge of \$5,880 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the “Treasurer of Virginia” and shall be delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

Either on a transmittal letter or as a notation on the check, the County shall include its Federal Identification Number.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of the County for good cause shown by the County, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to the County by DEQ on May 8, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Landfill as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, the County admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. The County consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The County declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right

to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

6. Failure by the County to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The County shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. The County shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The County shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.


Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and the County. Notwithstanding the foregoing, the County agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to the County. Termination of this Order, or any obligation imposed in this Order, shall not

operate to relieve the County from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.


12. By its signature below, the County voluntarily agrees to the issuance of this Order.

And it is so ORDERED September 18, 2006

  
Gerard Sealey, Jr., Regional Director  
Department of Environmental Quality

The County of Greenville voluntarily agrees to the issuance of this Order.

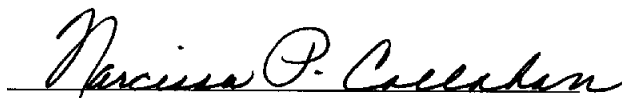
Date: 08-10-06

By:   
K. David Whittington, County Administrator  
County of Greenville, Virginia

Commonwealth/State of Virginia  
City/County of Greenville

The foregoing document was signed and acknowledged before me this 10<sup>th</sup> day of August, 2006, by K. David Whittington, who is  
(Name)

County Administrator of the County, on behalf of the County of Greenville  
(Title)

  
Narcissa P. Coleman  
Notary Public

My commission expires: June 30, 2009